

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOANNE C. THORNE-LONG,

Plaintiff,

-against-

**DEFENDANTS' NOTICE OF
MOTION TO DISMISS THE
AMENDED COMPLAINT**

THE CITY OF NEW YORK, and NEW YORK CITY
DEPARTMENT OF EDUCATION

23-cv-04305 (DG) (LB)

Defendants.
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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant's Motion to Dismiss Plaintiff's Amended Complaint, dated November 27, 2023, and upon all the papers and proceedings previously had herein, Defendants, The City of New York and the New York City Department of Education, will move this Court at the United States Courthouse for the Eastern District of New York, 225 Cadman Plaza E, Brooklyn 11201, before the Honorable Diane Gujarati, United States District Judge, on a date and time to be set by the Court, for an order and judgment, pursuant to Rule 12 of the Federal Rules of Civil Procedure, dismissing the Amended Complaint against Defendants and granting Defendants such other and further relief that this Court deems just and Proper.

Dated: New York, New York
November 27, 2023

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the City of New York
Attorney for Defendants
100 Church Street, Room 2-111
New York, New York 10007
(212) 356-2479

/s/ René L. Macioce
René L. Macioce
Assistant Corporation Counsel

cc: JOANNE C. THORNE-LONG (via EMAIL and MAIL)
Pro Se Plaintiff
212 Union Street, Apt. 2R
Brooklyn, New York 11212

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOANNE C. THORNE-LONG,

Plaintiff,

-against-

THE CITY OF NEW YORK, and NEW YORK CITY
DEPARTMENT OF EDUCATION,

Defendants.

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**NOTICE TO PRO SE LITIGANT
WHO OPPOSES A RULE 12
MOTION SUPPORTED BY
MATTERS OUTSIDE THE
PLEADINGS**

21-CV-2928 (AMD) (CLP)

PLEASE TAKE NOTICE that pursuant to Rule 12(b) of the Federal Rules of Civil Procedure and Rule 12.1 of the Local Civil Rules of the United States District Court for the Southern District of New York, Defendants, The City of New York and the New York City Department of Education, by their attorney, Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, hereby notify the Plaintiff that:

1. The Defendants in this case have moved to dismiss the Complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, and have submitted additional written materials. This means that the Defendants have asked the Court to decide this case without a trial, based on these written materials. You are warned that the Court may treat this motion as a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. For this reason, **THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THIS MOTION** by filing sworn affidavits and other papers as required by Rule 56(e). An affidavit is a sworn statement of fact based on personal knowledge that would be admissible in evidence at trial. The full text of Rule 56 of the Federal Rules of Civil Procedure is attached.

2. In short, Rule 56 provides that you may NOT oppose Defendants' motion simply by relying upon the allegations in your Complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by Defendants and raising issues of fact for trial. Any witness statements must be in the form of affidavits. You may submit your own affidavit and/or the affidavit of others. You may submit affidavits that were prepared specifically in response to Defendants' motion.

3. If you do not respond to the motion on time with affidavits or documentary evidence contradicting the facts asserted by Defendants, the Court may accept Defendants' factual assertions as true. Judgment may then be entered in Defendants' favor without a trial.

4. If you have any questions, you may direct them to the Pro Se Office.

Dated: New York, New York
November 27, 2023

HON. SYLVIA O. HINDS-RADIX
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By: /s/ René L. Macioce
René L. Macioce
Assistant Corporation Counsel

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